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7	Attorneys for Plaintiff SIMPSON STRONG-TIE COMPANY INC.	
8	UNITED STATE	S DISTRICT COURT
9	NORTHERN DIST	RICT OF CALIFORNIA
10	NORTHERN DIST	RICT OF CALL OR WIT
11		
12	SIMPSON STRONG-TIE COMPANY INC.,	Case No.
13	Plaintiff,	COMPLAINT FOR ADVERTISING, PA
14	V.	COMPETITION, AN INFRINGEMENT
15	MITEK INC.,	DEMAND FOR JUR
16	Defendant.	
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COMPLAINT FOR FALSE SING, PASSING OFF, UNFAIR COMPETITION, AND COPYRIGHT INFRINGEMENT

**DEMAND FOR JURY TRIAL** 

Plaintiff Simpson Strong-Tie Company Inc. ("Simpson" or "Plaintiff") hereby complains against Defendant MiTek Inc. ("MiTek" or "Defendant") as follows:

#### I. NATURE OF THE ACTION

1. This is an action for false advertising, passing off, unfair competition, and copyright infringement. Defendant MiTek has engaged in a pattern and practice of improperly copying and using Plaintiff Simpson's proprietary product names as MiTek product names and "Reference Numbers" to make false statements to consumers in order to market and sell MiTek's competing products. Simpson seeks a permanent injunction to stop this deceptive and harmful use of Simpson proprietary product names, which is widespread on MiTek's website, mobile software application, product catalogs, product packaging and labels, shelf tags, and other marketing and point-of-sale materials.

## II. THE PARTIES

- 2. Simpson is a California corporation with its principal place of business in Pleasanton, Alameda County, California. As described in more detail below, Simpson is engaged in the design and manufacture of various products for the construction industry.
- 3. On information and belief, Defendant MiTek is a Missouri corporation with its principal place of business in Chesterfield, Missouri. Like Simpson, Defendant manufactures and sells products for the construction industry.

#### III. <u>JURISDICTION</u>

- 4. This is an action for false advertising and passing off under the Federal Lanham Act, copyright infringement under the Federal Copyright Act, and false advertising and unfair competition under California law. The Court has original subject matter jurisdiction over the First and Third Causes of Action for false advertising and passing off, respectively, under the Lanham Act pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. § 1331. The Court has original subject matter jurisdiction over the Fifth Cause of Action for copyright infringement under the Copyright Act pursuant to 28 U.S.C. § 1338(a). The Court has original subject matter jurisdiction over the Fourth Cause of Action for unfair competition under state law pursuant to 28 U.S.C. § 1338(b). The Court has supplemental jurisdiction over the Second Cause of Action for false advertising under state law pursuant to 28 U.S.C. § 1367(a).
- 5. The Court has personal jurisdiction over MiTek because, among other things, MiTek has established minimum contacts within the forum such that the exercise of jurisdiction over MiTek will not offend traditional notions of fair play and substantial justice. MiTek conducts business throughout the United States, and actively transacts business in this judicial district by selling its products in this district, directly and through retailers and retailers' websites. MiTek advertises, markets, offers for sale, and sells its products in this judicial district.
- 6. In addition to MiTek's continuous and systematic conduct of business in California, the Court has specific jurisdiction over MiTek because the causes of action against it in this Complaint arose from or are connected with its purposeful acts committed in this district in California, including engaging in false advertising, passing off, unfair competition, and

copyright infringement.

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IV. <u>VENUE</u>

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(1) and (2) because MiTek is a resident of this district for purposes of Section 1391 and a substantial part of the events or omissions giving rise to the claims occurred in this district.

## V. <u>INTRADISTRICT ASSIGNMENT</u>

8. Pursuant to Civil Local Rule 3-2(c), intellectual property actions such as this action are assigned on a district-wide basis.

## VI. GENERAL ALLEGATIONS

## A. Simpson Is The Industry Leader In Structural Connectors

- 9. Simpson is the world leader in structural product solutions for the construction industry. For more than 60 years, Simpson has marketed and sold products that make structures safer and stronger, and the company is recognized as the premier brand of structural connectors in the residential construction industry. Indeed, Simpson was one of the first companies to introduce an extensive line of structural connectors used in wood-to-wood and wood-to-concrete construction. Over time, other companies entered the market, but rather than dedicating significant investment to research and development, most of these companies attempted to copy or knock-off Simpson products. As a result of Simpson's leading role and unparalleled reputation in the industry, building plans often call out Simpson's products by name and require "Simpson or equivalent."
- 10. Simpson invests heavily in research and development, and has continuously expanded its line of structural connectors with innovative new products that address the changing needs of its customers. Not only does Simpson offer a wide variety of structural connectors for residential construction, Simpson is also well-known for its line of shearwalls, moment frames, and fasteners. In the last few decades, the company has expanded further with products designed for "Do It Yourself" (DIY) projects and products for infrastructure, commercial, and industrial construction, including mechanical anchors, adhesives, and products that repair, protect, and strengthen concrete and masonry.

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11. As a company built on innovation, Simpson is respectful of and highly values intellectual property rights, both its own and others'. Simpson has obtained approximately 900 patents over the past 60 years. The great majority of these patents pertain to structural connectors and fasteners, and are still enforceable, having been issued in recent years in connection with Simpson's development and release of new or updated product designs.

#### В. **Simpson's Product Names**

- 12 Simpson creates a proprietary product name for each and every connector and fastener it markets. The product name includes both (a) a "Part Name" consisting of a letter or combination of letters (also occasionally including a number or numbers) designating the product line (e.g., "LGUM" for a hanger for concrete or masonry applications, "BCS" for a post cap, and "LUS" for a hanger with double shear/slant nailing), and (b) a range of what Simpson refers to as "Model Numbers" consisting of additional numbers and letters added to the Part Name to identify the various models of the part with differing attributes, including, in some cases, distinct sizes, temperature ratings, and load values (e.g., "LGUM26-2-SDS," "LGUM28-4-SDS," "BC4," "BC46R," "LUS26-2SS," and "LUS28SS").
- Simpson has been using proprietary alphanumeric product names for its 13. connectors and fasteners for decades. For Simpson's long-standing product lines, the same product names have been used for many years and have become well known to consumers. As new products are marketed, Simpson creates new product names – with an overarching Part Name and specific Model Numbers.
- 14 The process related to Simpson's creation of new product names involves a significant amount of creativity and originality. Simpson product names are not randomly generated; nor has Simpson adopted a product nomenclature system that automatically generates or results in a product name when a new product is developed. Instead, Simpson employees take considerable time and effort to develop the Part Name and Model Numbers for each new product line or new Model Number within an existing product line, taking into account a variety of factors including the description of the product, ease of use for consumers, and the existence of other Simpson product names. While there is sometimes an acronymic relationship between the

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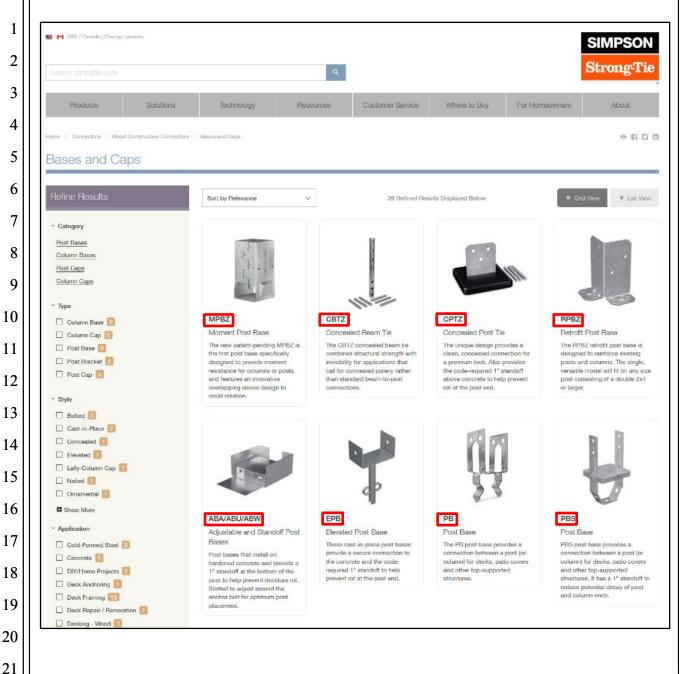
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product name and the product description, that is not always the case and, even when it is, the decision to use a particular product name is still creative and original. Each time a new product is developed, Simpson creates and introduces to the market the new and original product, product description, and product name.

- 15. Simpson's long-standing, consistent, and extensive use of its proprietary product names, described in detail below, has resulted in its product names becoming very well-known. Indeed, as noted above, engineers regularly specify Simpson's products in building plans by the product name and the construction professionals who install the specified products likewise know and use the product names.
  - C. Simpson's Use Of Product Names In Marketing And Advertising Its **Products**
- 16. Simpson has employed and does employ its product names consistently and extensively across its various marketing strategies and advertising media.

#### 1. Simpson's Use Of Product Names On Its Website

17. Simpson uses its proprietary product names throughout its website at strongtie.com. For example, the Part Names are used to identify particular product lines on pages of the strongtie.com website devoted to particular product categories, as shown in the example below (annotated in red) of the various products displayed on the "Bases and Caps" page at https://www.strongtie.com/capsandbases woodconnectors/category.



18. The product names are also used on the individual product line pages of the Simpson website to identify the particular models available for each product line, and, in particular, in charts identifying the load values and other specifications for each available model, as shown in the examples below (annotated in red) from the "BC/BCS Post Cap" product page at https://www.strongtie.com/onepiecepostcaps\_postcaps/bc-bcs\_productgroup\_wcc/p/bc.bcs#LoadTables.

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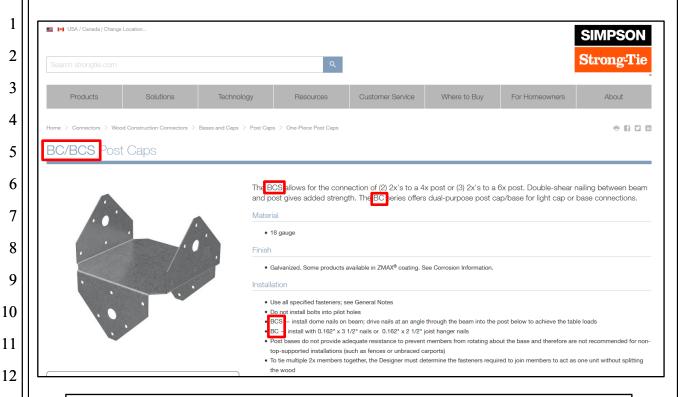
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#### These products are available with additional corrosion protection. Additional products on this page may also be available with this option, check with Simpson Strong-Tie for details. For stainless-steel fasteners, see Fastener Types and Sizes Specified for Simpson Strong-Tie Connectors Many of these products are approved for installation with Strong-Drive® SD Connector screws. Allowable Loads (DF/SP) Dimensions **Fasteners** (in.) (in.) Model Beam Post Base $W_1$ $W_2$ $L_2$ H<sub>1</sub> $H_2$ Uplift Lateral $L_1$ Flange Flange **Bottom** SS BC4 3%6 21/8 21/8 3 (6) 0.162 x 3½ (6) 0.162 x 31/2 1,000 BC46 945 1,000 51/2 47/8 31/2 21/2 (12) 0.162 x 31/2 (6) 0.162 x 31/2 605 BC4R 4 3 (12) 0.162 x 31/2 (12) 0.162 x 31/2 1,000 SS BC6 51/2 51/2 43/8 43/8 3% 3% (12) 0.162 x 31/2 (12) 0.162 x 31/2 BC6R 6 6 6 6 3 3 (12) 0.162 x 31/2 (12) 0.162 x 31/2 BC8 71/2 71/2 71/2 71/2 4 4 (12) 0.162 x 31/2 (12) 0.162 x 31/2 SS 27/8 21546 895 890 BCS2-2/4 31/8 3%6 27/8 2 15/16 (8) 0.148 x 3 (6) 0.148 x 3 SS BCS2-3/6 45/8 5%6 43/8 21/8 35/16 215/16 (12) 0.162 x 31/2 (6) 0.162 x 31/2 895 SS BC40 31/4 21/4 (6) 0.162 x 3½ (4) 0.162 x 31/2 735 BC40R 3 (6) 0.162 x 31/2 (4) 0.162 x 31/2 BC460 51/2 3% 3 (6) 0.162 x 31/2 (4) 0.162 x 31/2 450 735 BC60 51/2 51/2 3 (6) 0.162 x 31/2 (4) 0.162 x 31/2 450 735 BC60R (4) 0.162 x 31/2 450 735 6 3 (6) 0.162 x 31/2 6 71/2 BC80 (4) 0.162 x 31/2 450 71/2 4 (6) 0.162 x 31/2 735 BC80R 8 4 (6) 0.162 x 31/2 (4) 0.162 x 31/2 735

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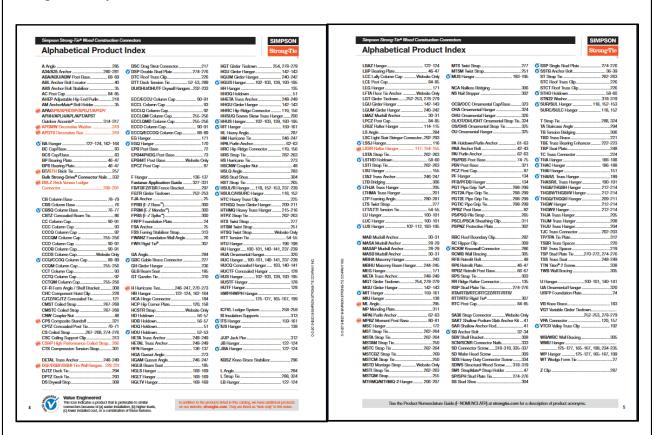
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#### 2. Simpson's Use Of Product Names In Its Catalogs And Publications

19. Simpson also uses its proprietary product names to identify its various product lines and models throughout its popular product catalogs, which are available in hardcopy and online formats, including its Wood Construction Connectors Catalog. The Wood Construction Connectors Catalog provides detailed information about each product, including load values, specifications, code approvals, and other information used by engineers, code-approval agencies, building departments, and others. Among other things, the Wood Construction Connectors Catalog contains an "Alphabetical Product Index" that lists (a) the Part Name for the product line, (b) a brief description of the product line, and (c) the page number(s) in the catalog where that product line can be found, as shown below in an example from the 2019-2020 Wood Construction Connectors Catalog, which is the most recently published version. A true and correct copy of the complete 2019-2020 Wood Construction Connectors Catalog is attached and incorporated by reference as Exhibit A.



20. Like the Simpson website, the Simpson catalogs also employ product names on

nearly every page to identify product lines (such as HDU) and product models (such as HDU8-SDS2.5), often in charts identifying the dimensions and load values, and other important information, for each available model. An example of such usage from page 53 of the 2019-2020 Wood Construction Connectors Catalog is shown below with annotations in red.

These products are available with additional correction. For more information, see p. 15.    Solid lastisments, see p. 21.   Solid lastisments, see p. 23.5-337 for more information.	HDU/DTT Strong-Tie														
Statistical controllar protections   State Inscinant, sop   1.5	Holdowns (cont.)  These products are available with additional corrector protection. For more information, see p. 15.  Dimensions  Fasteners (in.)  Minimum Wood Member No.  Holdows (160)  Defection at Code Ret.  Ret.  Holdows (160)  Defection at Code Ret.  These products are approved for installation with Strong-Drive* SD Connector screws. See p. 21.  Minimum Wood Member Size p. 50 Allowable Tension Loads (160)  Defection at Code Ret.  These products are approved for installation with Strong-Drive* SD Connector screws. See p. 21.  Dimensions  Fasteners (in.)  Dimensions Size p. 50 Allowable Tension Loads (160)  Defection at Code Ret.  The Code														
Mindel   Min.	-	additional corresi	on prot	action.		SS	steel t	astene		SI) with Strong	q-Drive* SD (	Connector scre	WS.	1	
Model No.  Ga.  W H B CL SO But Tib. (Ga.) Fastleness (Ra.) (Ga.) Fastleness (Ra.) Fastlene					DI		ns					Al		in Loads	
DITIZ 14 116 7% 196 34 96 96 96 96 90 640 0.17  DITIZ 14 116 7% 196 34 96 96 96 96 0.0167  DITIZ 14 336 6% 196 96 96 96 96 96 196 97 97 98 96 96 97 98 90 0.0167  DITIZ 15 00172 96 97 97 97 98 97 97 97 97 97 97 97 97 97 97 97 97 97			Ga.	w	н		CL	50	Bolt Dia.	Wood	Member Size	DF/SP		Allowable Load	Cod Ref
DITIZ  14 1% 7% 19 % 7% 9% 9% 9% 9% 90 185.5% 910 640 0.367  90 0.482.115 19 18.25 19.00 0.167  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.8216505 3.335 0.128  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.850 0.168  90 0.8216505 3.335 0.128  90 0.8216505									(III.)		()	840	840		
OFFICE   14   3%   6%   1%   7%   7%   7%   88   11   15   18   18   18   18   18		OTTIZ	14	11%	7%	1%	%	76a	*		1%x5%				
So DITEZ   14   3% 6 % 1% 9% % 9% 9% 9% 9% 9% 9% 9% 9% 9% 9% 9%											1	910	850	0.167	1
Bit   12   13   14   14   14   14   14   14   15   15	PPO.									(B) 1/4 x 11/5 SDS	1%x3%	1,825	1,800	0.105	
HEXID-SISS2.5 14 3 8 % 3% 1% 1% 1% % 1% (6) % x 2% SIDS 3x 3% 3,075 2,215 0.088 BL, 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	23	DF12Z	14	3%	6%e	1%	1960	Ν'n	16	(B) 1/4 x 11/6 SDS	3x3%	2,145	1,835	0.128	1
HIDUS-SISS2.5 14 3 10% 314 1% 1% % (10)% x 2% SIDS 3x 33% 4,565 3,285 0.114 81,1  HIDUS-SISS2.5 14 3 13% 3% 1% 1% 1% % (14)% x 2% SIDS 3x 33% 5,645 4,340 0.115 33 13% 33% 13% 6,765 5,820 0.11  HIDUS-SISS2.5 10 3 16% 316 1% 11% % (20) % x 2% SIDS 315 x 3% 5,645 4,340 0.115 315 x 4% 7,870 5,995 0.116 315 x 4% 7,870 5,995 0.116 315 x 4% 7,870 5,995 0.113 315 x 5% 7,870 5,995 0.113 315 x 5% 11,175 9,610 0.137 315 x 5% 10,175 9,610 0.137 315 x 5% 10,170 9,260 0.122 — HIDUS-SISS2.5 7 3 25% 316 11% 11% 1 (36) % x 2% SIDS 315 x 7% 14,200 12,275 0.177 BIC 1. HIDUS-SISS2.5 7 3 25% 316 x 5% 10 x 20 x	89	DFT2Z-SDS2.5								(B) 1/4 x 21/5 SDS	3x3%	2,145	2,105	0.128	
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HDUB-SDS2.5 10 3 16% 336 1% 1% 16 1 (20) % x 296 SDS 336 x 336 6,970 5,995 0.116  HDUB-SDS2.5 10 3 22% 336 1% 16 16 1 (30) % x 296 SDS 336 x 36 6,970 6,580 0.113  HDUB-SDS2.5 7 3 25% 336 1% 1% 16 1 (30) % x 296 SDS 336 x 7% 11,775 9,510 0.137  HDUB-SDS2.5 7 3 25% 336 1% 1% 16 1 (36) % x 296 SDS 336 x 7% 14,390 12,375 0.177 BSC 1. HSU,14 requires heavy-hex anchor nut to achieve babulated loads (supplied with holdown).  2. HSU,14 loads on 4x6 pool are applicable to installation on either the natrow or the wide loads of the poel.	•	HD04-SDS2.5	14	3	10°%	3%	1%	1%	%	(10) % x 2 % SDS	3x3%	4,565	3,285	0.114	FL, L
HDUB-SDS2.5 10 3 16% 316 1% 11/6 1/6 % (20) % x 216 SDS 316 x 316 6,970 5,965 0.116 385 x 416 7,870 6,980 0.113 180 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	•	HDU5-SDS2.5	14	3	13%e	3%	1%	1%	₩.	(14) % x 2 % SOS	3x3%	5,645	4,340	0.115	
HDUH-SDS2.5 10 3 22½ 3½ 1½ 1½ 1½ 1 (30) ½ x 2½ SDS 3½ x 5½ 9,335 8,030 0.137  HDUH-SDS2.5 7 3 25½ 3½ 1½ 1½ 1½ 1 (36) ½ x 2½ SDS 3½ x 7½ 11,175 9,610 0.137  HDUH-SDS2.5 7 3 25½ 3½ 1½ 1½ 1½ 1½ 1½ 1 (36) ½ x 2½ SDS 5½ 5½ 14,445 12,425 0.172 BB 5½ x 5½ 14,445 12,425 0.172 BB 12,425 0.172 B											3x3%	6,765	5,820	0.11	Į
HDUH-SDS2.5 10 3 22% 316 1% 11% 1 (30) % x 216 SDS 316 x 516 9,335 8,030 0.137  HDUH-SDS2.5 7 3 25% 316 11% 11% 1 (36) % x 216 SDS 336 x 7% 11,175 9,610 0.137  HDUH-SDS2.5 7 3 25% 316 11% 11% 1 (36) % x 216 SDS 336 x 7% 14,280 12,375 0.177 85  1. HDUH-4 requires heavy-hex anchor nut to achieve labulated loads (supplied with holdown). 2. HDUH-4 loads on 4x6 post are applicable to installation on either the narrow or the wide lace of the post.	•	HDU8-SDS2.5	10	3	16%	316	1%	1%	%	(20) 1/4 x 21/6 SDS		6,970	5,995	0.116	
HDUH-SDS2.5 10 3 22% 3% 1% 1% 1 (30) % x 2% SDS 3% x 7% 11,17% 9,610 0.137  HDUH-SDS2.5 7 3 25% 3% 1% 1% 1 1% 1 (36) % x 2% SDS 3% x 7% 14,390 0.122 —  1. HDUH-4 requires heavy-hex ancher mut to achieve babulated leads (supplied with holdows).  2. HDUH-4 leads on 4x6 post are applicable to installation on either the narrow or the wide lace of the post.  Threaded red  Fleor joint												_			
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HDU14-SDS2.5 7 3 25 % 31/6 11% 11% 1 (36) % x 21/6 SDS 31/6 x 7% 14,290 12,375 0.177 BSC 1. HDU14 loguines heavy-hex anchor rust to achieve labulated leads (supplied with holdower).  2. HDU14 loads on 4s6 post are applicable to installation on either the narrow or the wide lace of the post.  Threaded rod    Plant   P			_										-		
1. HDU14 requires heavy-hex anchor rul to achieve tabulated leads (supplied with holdown). 2. HDU14 leads on 4x6 post are applicable to installation on either the narrow or the wide tace of the post.  Threaded rod  Floor joint	_								is 1 (36) % x 2 % SDS 33		_	-		_	
HDUH4 requires heavy-hax anchor nut to achieve tabulated leads (supplied with holdown).      HDUH4 leads on 4x6 post are applicable to installation on either the narrow or the wide face of the post.  Threaded red  Threade	-	HDU14-SDS2.5	7	3	25%	316	1%a	196s			_		_	IBC,	
(2) 2x blocking							1		d A	◆— Studs/pr	ost				
Typical HDU Tie Between Floors	(2) 2x blocking														
									-	LL					

21. Simpson owns more than two hundred federally registered copyrights covering its catalogs and other original works of authorship. Many of the registered works, including all of the registered Wood Construction Connectors Catalogs going back to 2000, contain an alphabetical product index of Simpson connector and fastener products similar to the Alphabetical Product Index described above. The chart below is a list of registered Wood Construction Connectors Catalogs and supplements to that catalog, dating back to 2000.

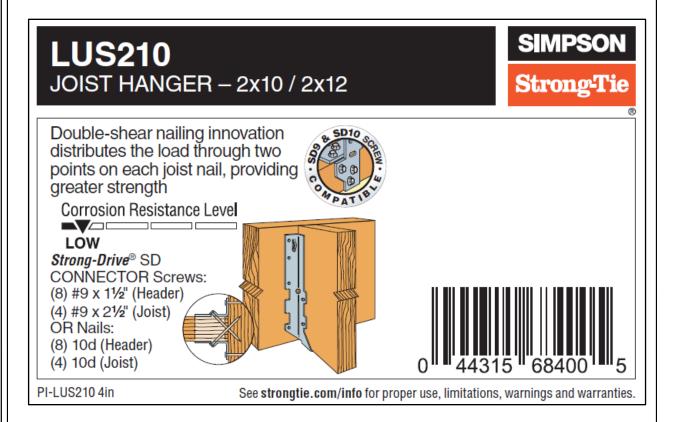
Registration No.	Year(s)
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TX0005323926	2001
TX0006144849	2002
TX0006144850	2003
TX0006139477	2004
TX0006141584	2005
TX0006483414	2006
TX0006483411	2007
TX0007238001	2008
TX0007204677	2009-2010
TX0007204672	2010 Addendum
TX0007336772	2011-2012
TX0007514002	2012 Addendum
TX0007663107	2013-2014
TX0007815401	2014 Addendum
TX0008003635	2015-2016
TX0008432911	2017-2018
TX0008756447	2019-2020

22. Simpson also uses its product names in other written materials, including product guides, advertising flyers, brochures, and technical bulletins.

## 3. Simpson's Use Of Product Names On Product Packaging And Pointof-Sale Marketing Materials

23. Simpson also uses its proprietary product names, including both Part Names and Model Numbers, prominently on product packaging, product labels, carton labels, shelf tags, and other point-of-sale marketing materials, as shown in the examples below.









## D. MiTek Acquires USP's Line Of Structural Connectors And Fasteners, And Attempts To Compete With Simpson

24. According to its website, MiTek is a global supplier of software, engineered construction products and services, and automated manufacturing equipment. On information and belief, in 2011, MiTek acquired USP Structural Connectors ("USP"), one of the companies in the structural connector and fastener market with Simpson. USP offered – and now MiTek offers – competing versions of many of Simpson's structural connectors and fasteners. Indeed, as explained above, many of MiTek's products are knock-offs or close copies of products that

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Simpson first brought to market. MiTek is thus a direct competitor of Simpson.

- 25. MiTek attempts to compete with Simpson, not just by offering knock-offs of Simpson products, but also by trying to convince consumers (particularly the engineers that specify Simpson products) explicitly and implicitly that the MiTek products are equivalent to or sufficient substitutes for Simpson products. MiTek has admitted in other litigation in this Court that Simpson's products are frequently specified by the product name and that MiTek has had to compete for business by going back to the engineer of record and attempting to prove that the MiTek product is equivalent to the Simpson product. Indeed, MiTek publishes a "Dual Specification Guide," available on its website at https://www.mitekus.com/uploadedFiles/ RedesignSite/ Content/documents/products/Specify Docs/MiTek-Engineering Dual Spec Sheet.pdf, for the express purpose of recommending to engineers how they can specify MiTek products along with Simpson products.
- While some of the MiTek versions of Simpson products may perform 26. substantially the same as the Simpson product, many of the MiTek versions have different load values or other important attributes. For example, many of Simpson's products are patented, and therefore MiTek is precluded from copying the innovative features of Simpson's products that are covered by the patents during the life of the patents. As noted above, Simpson invests heavily in research and development and Simpson has obtained more than 900 patents over the course of its sixty-year history, the majority of which have been obtained in the past twenty years. In other cases where Simpson does not have patent protection for a product, the MiTek knock-off is inferior in other ways. A simple comparison of Simpson's products to MiTek's knock-offs demonstrates that in many, if not most, cases, the MiTek products are not equivalent to Simpson's products.

#### Ε. MiTek's Improper And Infringing Use Of Simpson's Product Names

27. MiTek has engaged in a pattern and practice of improperly copying and using Simpson proprietary and copyright-protected product names to market and sell MiTek's competing products. MiTek misuses and infringes Simpson's product names in two distinct ways. First, as described in detail below, MiTek has copied Simpson proprietary names and used

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them, with no or minimal variation, as MiTek Part Names and "Stock Numbers" (which include letters and numbers) used to identify MiTek products. Second, as also described below, MiTek has also used Simpson proprietary product names, without authorization or attribution, as "Reference Numbers" (when referring to the full Simpson Model Number for the particular product model) or "Reference Series" (when referring to the Simpson Part Name for the product line). MiTek's improper and infringing use of Simpson proprietary product names as MiTek Part Names, Stock Numbers, and Reference Numbers is widespread on MiTek's website, mobile software application, product catalogs, carton labels, product labels, shelf tags, and other pointof-purchase materials.

#### 1. MiTek's Use Of Simpson Product Names With Its Own Part Names **And Stock Numbers**

28. Every structural connector and fastener marketed and sold by MiTek has a MiTek product name. Just like Simpson's product names, the MiTek product names consist of both a Part Name that designates the product line and a "Stock Number" that designates the particular models available for each product line. For example, MiTek markets a multi-purpose angle with the part name ML and with two stock numbers, the ML24-TZ and the ML26-TZ.

29. Many of the MiTek Part Names are identical to or very similar to pre-existing Simpson Part Names. The reason for this is that, when MiTek (or, previously, USP) copied a preexisting Simpson product or brought its own version of a patented Simpson product to market, it often copied not only the product itself but also the pre-existing Simpson Part Name. For example, the MiTek ML angle described above is a knock off of Simpson's very similar angle with the very same Part Name. The chart below provides an example of just some of the MiTek Part Names that are identical to pre-existing Simpson Part Names.

Simpson Part Name	MiTek Part Name
A	A
AC	AC
BC	BC
BCS	BCS
BP	BP

- 13 -

EIGHTEENTH FLOOR SAN FRANCISCO, CA 94111-3598 SHARTSIS FRIESE LLP ONE MARITIME PLAZA

Simpson Part Name	MiTek Part Name
CBSQ	CBSQ
CMST	CMST
CMSTC	CMSTC
CNW	CNW
DSC	DSC
EPB	EPB
FB	FB
FWH	FWH
GT	GT
HGA	HGA
HGAM	HGAM
HGU	HGU
HGUM	HGUM
НН	НН
HL	HL
HPA	HPA
HRS	HRS
HTC	HTC
HTT	HTT
HUS	HUS
IS	IS
L	L
LBP	LBP
LFTA	LFTA
LGU	LGU
LGUM	LGUM
LSTA	LSTA
LSTI	LSTI
MGU	MGU
ML	ML
MSTA	MSTA
MSTAM	MSTAM
MSTC	MSTC
MSTCM	MSTCM
MUS	MUS
PA	PA
PAI	PAI
RBC	RBC
RC	RC

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30. Even when MiTek does not *identically* copy Simpson Part Names for its own products, it still copies Simpson. Many MiTek Part Names are substantially similar to Simpson Part Names, with just a single letter that is different. These MiTek Part Names are clearly based on and confusingly similar to the Simpson Part Names. The chart below provides an example of just some of the MiTek Part Names that are just one letter different than pre-existing Simpson Part Names.

Simpson	MiTek
Part Name	Part Name
BPS	HBPS
СВ	KCB
CBS	CBE
CC	KCC
CCC	KCCC
CCOB	KCCOB
CCQ/CCOQ	KCCQ
CCT	KCCT
CCTQ	KCCQT
ECC/ECCU	KECC
ECCL	KECCL
ECCO	KECCO
ECCQ/ECCOQ	KECCQ
EG	KEG
EGQ	KEGQ
EPCZ	EPCM
FWANZ	FWAN
GLB	KGLB
HGLB	KHGLB

- 15 -

Simpson	MiTek
Part Name	Part Name
HWP/HWPH	HWUH
LB	KLB
LEG	KLEG
LTT/LTTI	LTS
MEG	KMEG
MSC	MSH
MSTCBZ	MSTCB
PBV	PBS
PCZ	PCP
RP6	RP
RPBZ	RPB
SBV	SB
TSF	TS

31. Just like the MiTek Part Names that designate the MiTek product line, the MiTek Stock Numbers that designate the MiTek product models are often copies of, and substantially similar to, the Simpson Model Numbers for similar Simpson products. Once again, the reason for this is simple. When Mitek (or USP) introduced its version of an existing Simpson connector or fastener, MiTek (or USP) likewise copied the Simpson Model Number. The chart below provides an example of just some of the MiTek Stock Numbers that are identical or substantially similar to Simpson Model Numbers.

Simpson	MiTek
Model No.	Stock No.
1212T	T1212
A66	B66
A88	B88
ABA44Z	PA44E-TZ
BC46	C46
BC6	C66
BP5/8	BP583
CB46	KCB46
CB66	KCB66
CS18-R	RS18-R
CS22-R	RS22-R
EPC44-16	EPCM4416

- 16 -

EIGHTEENTH FLOOR SAN FRANCISCO, CA 94111-3598 SHARTSIS FRIESE LLP ONE MARITIME PLAZA

Simpson Madal Na	MiTek Stock No.					
Model No.	Stock No.					
EPC64-16	EPCM6416					
HGA10KT	HGA10KT					
HRS12	HRS12					
HRS6	HRS6					
HRS8	HRS8					
HUS26	HUS26					
HUS28	HUS28					
LBP1/2	LBP12-TZ					
LSTA12	LSTA12					
LSTA15	LSTA15					
LSTA18	LSTA18					
LSTA21	LSTA21					
LSTA24	LSTA24					
LSTA30	LSTA30					
LSTA36	LSTA36					
LSTA9	LSTA9					
LUS26	JUS26					
MSTA12	MSTA12					
MSTA12Z	MSTA12-TZ					
MSTA18	MSTA18					
MSTA24	MSTA24					
MSTA30	MSTA30					
MSTA36	MSTA36					
MSTAM24	MSTAM24					
MSTAM36	MSTAM36					
MTS12Z	MTW12-TZ					
PA18	PA18					
PA23	PA23					
PS218	PS218-HDG					
RBC	RBC					
RPS18	KRPS18					
RPS22	KRPS22					
RR	RR					
SP4	SPT4					
SS1.5	STS1					
ST12	ST12					
ST18	ST12					
ST22	ST22					
ST9	ST9					
	- 17 -					

Simpson	MiTek
Model No.	Stock No.
WB126	WB126

#### 2. MiTek's Use Of Simpson Product Names As Reference Numbers

- 32. MiTek's use of Simpson proprietary product names as the basis for MiTek product names is not the only way that MiTek makes improper, infringing, and deceptive use of Simpson product names. MiTek also uses Simpson proprietary product names as "Reference Numbers" (when referring to the full Simpson model number for the particular product model) or "Reference Series" (when referring to the Simpson part name for the product line), separate from the MiTek product names.
- 33. Simpson has not authorized, approved, or licensed MiTek to use the Simpson product names as Reference Numbers or Reference Series.
- 34. MiTek never identifies the Reference Numbers and Reference Series as Simpson product names. Nor does MiTek ever attribute the Reference Numbers and Reference Series to Simpson in any way, or otherwise refer to Simpson in any way in connection with the Reference Numbers and Reference Series. Nor has MiTek ever provided notice to consumers that Simpson has not authorized, approved, or licensed MiTek's use of Simpson product names as Reference Numbers or Series. The closest that MiTek comes to acknowledging that the Reference Numbers are in fact Simpson product names is a brief statement, buried in its 357-page catalog, entitled "About the Reference Numbers," which states the following: "Reference numbers shown throughout the charts in this catalog are part numbers which may be more familiar to customers in various regions of the United States. These are included for the convenience of our new customers who have recently switched from a competitor's product line to MiTek."

## 3. MiTek's Use Of Simpson Product Names On Its Website And Mobile Application

35. MiTek has improperly used, and continues to improperly use, Simpson's proprietary product names – both as the basis for MiTek's product names and as Reference Numbers – on the MiTek website and MiTek's mobile software application.

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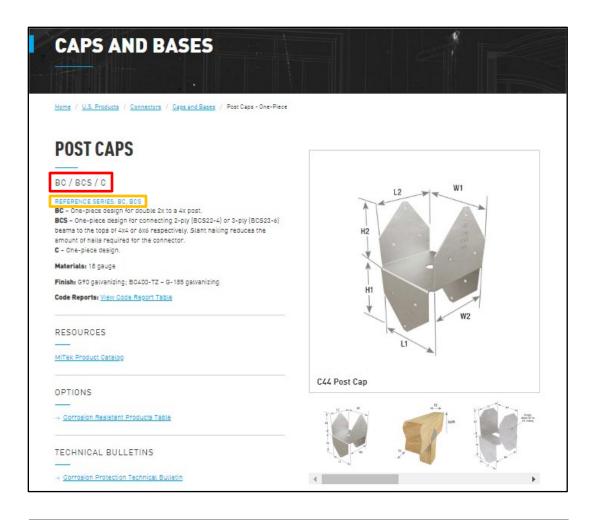
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36. MiTek uses MiTek Part Names and MiTek Stock Numbers that are identical to or substantially similar to Simpson Part Names and Model Numbers throughout the MiTek website at mitek-us.com. For example, as shown in the examples below (annotated in red) from https://www.mitek-us.com/products/connectors/caps-and-bases/ and https://www.mitekus.com/products/caps-bases/post-caps---one-piece/BC%20/%20BCS%20/%20C/, MiTek uses infringing and deceptive Part Names and Stock Numbers, like the BCS product line with BCS22-4 and BCS23-6 models (when Simpson likewise offers the BCS product line with BCS2-2/4 and BCS2-3/6 models), on webpages displaying categories of product lines and on webpages displaying particular product lines.

MiTek	CUSTOMER STORIES	PRODUCTS	SOFTWARE	MACHINERY	SERVICES	ABOUT	/ noc	COSTOMORSCOWLE	(APPORT	Q
Column ba Column ca	S AND B. ses are used for cast it so provide a high capa- ns. Post caps provide a	n-place concrets								
			COL	UMN BA	SES					
bolts or r	pacity column base nalts to column. ce Series: LCB series	<b>→</b>	with 1" sta column wi Screws.	ERIES  and off fastens to the WS Wood  Series: CBSQ		i	Igh-capacity or hots to column. Reference Serie		<b>→</b>	
	acity column base o column with WS	<b>→</b>								
		С	OLUMN	I CAPS -	BOLTE	ED .				
beam column a	RIES  Apacity column to nunctor botts to und beam.	<b>→</b>	to beam or column an	acity end colum						



#### LOAD TABLE

					Dimensions (in)						Fastener Schedule <sup>2,3</sup>			DF/SP			
								,			Post		Beam	Allowable Loads (Lbs.)			
Post Size	MiTek Stock No.	Ref. No.	Steel Gauge	W1	W2	H1	H2	L1	L2	Qty	Туре	Qty	Туре	Uplift 160%	F1 160%	F2 160%	
	BCS22-4	BCS2-2/4	18	3-1/8	3-9/16	2-15/16	2-15/16	2-7/8	2-7/8	6	10d	8	10d	865	1065		
4 x 4	BC400-T2		18	3-1/8	3-9/16	2-3/8	3	3-1/2	3-5/16	10	10d x 1-1/2 HDG	8	10d x 1-1/2 HDG	615	780	580	
	C44	BC4	18	3-9/16	3-9/16	2-7/8	2-7/8	3-1/4	3-1/4	6	16d	6	16d	925	1105	1105	
4 x 4 Rough	C44R	BC4R	18	4	4	2-5/8	2-5/8	3-1/4	3-1/4	8	16d	8	16d	925	1105	1105	
4 x 6	C46	BC46	18	3-9/16	5-1/2	2-9/16	2-5/8	3-3/8	5-1/4	6	16d	10	16d	925	1105	1105	
4 x 6 Rough	C46R		18	4	6	2-3/4	2-3/4	3-1/4	5-1/4	8	16d	10	16d	925	1105	1105	
6 x 6	BCS23-6	BCS2-3/6	18	4-5/8	5-5/8	3	3-3/8	3-1/2	4-3/8	6	16d	12	16d	1120	1625		
0.40	C66	BC6	18	5-1/2	5-1/2	2-7/8	2-7/8	5-1/4	5-1/4	12	16d	12	16d	1195	2100	2100	
6 x 6 Rough	C66R	BC6R	18	6	6	2-13/16	2-13/16	5-1/4	5-1/4	12	16d	12	16d	955	2210	2210	
8 x 8	C88	BC8	18	7-1/2	7-1/2	5	5	7-3/8	7-3/8	16	16d	16	16d	1195	2260	2260	

- Allowable loads have been increased 60% for wind or seismic loads; no further increase shall be permitted.
   BCS23-6: Substituting 16d x 2-1/2" nails for 16d common nails is not permitted for slant nailing.
- 3) NAILS: 10d x 1-1/2 nails are 0.148" dia. x 1-1/2" long, 10d nails are 0.148" dia. x 3" long, 16d nails are 0.162" dia. x 3-1/2" long.

View / Download the above load table as a PDF

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37. MiTek also uses Simpson product names as Reference Numbers and Reference Series in the manner described above throughout the MiTek website. For example, as shown in the examples above (annotated in yellow), MiTek lists BCS as the Reference Series and a variety of Reference Numbers including BCS2-2/4 and BCS2-3/6 on the webpage for its BCS product. As also shown in the examples above, MiTek, in particular, lists the Reference Numbers in charts identifying the load values and other specifications for each available model.

38 MiTek's website also has, as shown below (annotated in red) https://www.mitek-us.com/advanced-search/, a feature called "Advanced Product Search" that enables users of the website to search for MiTek products based on the Reference Numbers/Series (i.e., the Simpson Part Name). For example, a user that selected the Reference Number of "EGQ" (i.e., the Simpson Part Name for a Simpson high-capacity top-flange hanger) would be taken to the webpage of the MiTek website describing a MiTek hanger.

MiTek	CUSTOMER STORIES	PRODUCTS	SOFTWARE	MACHINERY	SERVICES	ABOUT	/	BL06	CUSTOMER SERVICE	SUPPORT	Q
A D	VANC	ED E	) D ()		T CI						
AD	VAIL	LD F	KO		1 31		10				
→ SEARCH:	Enter any text, USP S	tock, Series or	Reference Nur	nber to search o	our website.						
→ SELECT:	Select a USP Product	Series or Refer	ence Number	using the drop o	lown menus b	elow.					
→ BROWSE	Not sure where to sta	art? Try browsii	ng our <u>product</u>	s or our <u>Drawin</u>	g Library.						
Search USP I	Products	GO S	elect a USP Produ	ct Series	•	Select a R	eference N	Number		•	

- 39. MiTek also offers a software application for users of mobile devices with iOS and Android operating systems available at the Apple App Store and Google Play Store. MiTek's iOS and Android software applications are substantially the same and are collectively referred to herein as the "App."
- 40. MiTek improperly uses Simpson's proprietary product names as the basis for MiTek's product names and as Reference Numbers and Reference Series on the App, just as it does on its website, as shown in the examples below (annotated in red). The App also has search functionality similar to the Advanced Product Search feature of the MiTek website that allows

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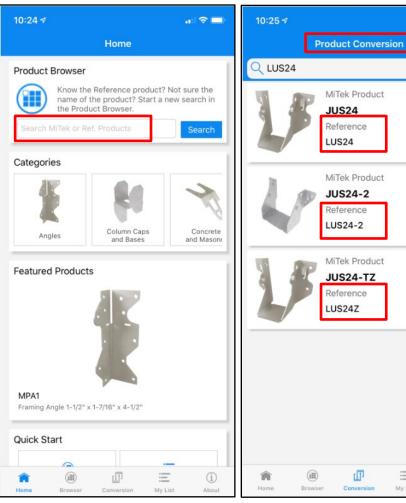
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users of the App to search for MiTek products using MiTek product names and Reference Numbers. The App also has a "Product Conversion" feature that allows a user to input a Reference Number (i.e., Simpson product name) that the App then "converts" into a MiTek product, as also shown in the examples below.

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#### 4. MiTek's Use Of Simpson Product Names In Its Catalogs And **Publications**

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My List

- 41. MiTek has improperly used, and continues to improperly use, Simpson's proprietary product names – both as the basis for MiTek's product names and as Reference Numbers and Reference Series – in the MiTek product catalog and in other published MiTek documents.
  - 42. Like the Simpson Wood Construction Connectors Catalog, the MiTek product

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catalog is published in an online and hardcopy format and contains detailed information about each MiTek product, including load values, specifications, code approvals, and other information used by engineers, code-approval agencies, building departments, and others. MiTek last published a version of its product catalog in 2020 (the "2020 Catalog"). A true and correct copy of the 2020 Catalog is attached and incorporated by reference as Exhibit B.

43. The MiTek 2020 Catalog misuses Simpson product names on nearly every page as the basis for MiTek product names and as Reference Numbers, in the same manner as the MiTek webpage. An example of such usage from page 62 of the 2020 Catalog is shown below, with annotations in red showing use of Simpson product names as MiTek Part Names and Stock Numbers and annotations in yellow showing use of Simpson product names as Reference Numbers.

KGLBT – D horizontal r KHGLB – D Materials: Finish: Pri Options: C	esistance louble bot Flanges Bearing I Anchor E mer Consult Mi	t design - 1/4" s Plate - \$ lowels -	prov teel See o	ides up thart fo " x 12"	olift s r *T* rebs	and ho dime	ortzontal ension			Cone	ing plate role plast r welded h	F2				T ∯ √ €	3-1/2	W 12"	) TD	
Use all sp     Bott holes     than the l     Concrete     adequacy  KGLB Load	pecified fa s shall be bott diame or mason y to resist	a minim eter. ry walis	um o	of 1/32 at be ch	" to a necka	maxi	lmum of a design		al for	chor.	Туріс	al KGL	.B inst	tallation		-1-	KGL		1-1A 3-1 1 0	-
		Dis	mensi	ons (in)			loit edule	Allowable B	earing L	nads (Lbs		ode					ш	1		
MiTek US Stock No	Ref. No.	w	.	.	D	Oty	Dia.	Masonry © 375 psi	,	Concret	- 17	Ref.					ш			
KGLBSA	GLB5A	5-1/4	7	1/4	5	1	5/8	11790		11790		$\neg$					ш	1		
KGLB5B	GL858	5-1/4	7	3/8	6	1	5/8	14145		14145	•						4	1		
WELRSC	GLB5C	5-1/4	7	3/8	7	1	5/8	16505	_	16505	•						2-1/2*	*		
KGLB5D KGLB7A	GLB5D GLB7A	5-1/4 6-7/8	7	3/8	5	1	5/8	18860	_	18860		-								
KGLB/A	GLB/A GLR/R	6-7/B	9	3/8	6	1	3/4	19575	-	19525	-						KHG	LB		
KGLB/C	GLB/C	6-7/8	9	3/8	7	1	3/4	21735		21735	_						1.16			
		ar on pixt	25.														s- 3" -		÷	
2) The load bearing 3) The load grain of 4) Designer	s are based plate area is s on concret 460 psi and r shall specif or masonry	not used te are bas actual be y minimu support s	aring ( i.) Bear ed on sam w m edg structs	ring load allowabli idth time e and sp	s shal e woo s bea acing	l be red d beari m beari require	fuced who ing stress ing length aments in	rea equal to W ere limited by: perpendicular masonry or co port toads list	wood bes to the morete st	aring on th	I se plate.			4	•	-1-			7 1-100 3" Å 7 T	
2) The load bearing 3) The load grain of 4) Designer 5) Concrete	s are based plate area is s on concret 460 psi and r shall specif or masonry	on the be not used te are bas actual be y minimu support	aring v L) Bear ed on sam w m edg struck	ring load allowabli idth time e and sp	is shal ie woo is bea iacing armed	l be red d beari m beari require adequ	fuced who ing stress ing length sments in alle to sup Belt	perpendicular masonry or co port loads list	wood bes to the morete st ed.	aring on th	ne plate.	, a	₽ <sup>1</sup> /	Upant 160 <sup>3</sup>	Ž	-1		Structur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	-
2) The load bearing 3) The load grain of 4) Designer 5) Concrete	s are based plate area is s on concret 460 psi and r shall specif or masonry	on the be not used te are bas actual be y minimu support	aring v L) Bear ed on sam w m edg struck	ring load allowabli idth time e and sp re is ass	is shal ie woo is bea iacing armed	l be red d beari m beari require adequ	fuced who ing stress ing length ements in alle to sup	perpendicular masonry or co port loads list	wood bes to the morete st ed.	ering on th	ne plate.		₽ <sub>I</sub> II	Upint 160 <sup>3</sup> Min. 3-1/8	Ž	-1.	3.1/7	1/	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	
2) The load bearing 3) The load grain of 4) Designer 5) Concrete KHGLB / K	s are based plate area is s on concret 460 psi and shall specil e or masonry GLBT Los	on the be not used to are bas actual be y minimu support	aring v L) Bear ed on sam w m edg structu	ring load allowabli idth time e and sp re is ass resions (	s shale woo s bea sacing aumed	l be red d beari m beari require adequa	duced whi ing stress ing length sments in ale to sup Bott Schedule	perpendicular masonry or co port loads lish	wood bes to the morete st ad.	ring on th ructure. aring Lea nerote wi	ne plate. nds (Lbs.) (th Beam	Width <sup>2</sup>		Min. 3-1/8 Beam	Code			Shruchur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	-
2) The load bearing 3) The load grain of 4) Designer 5) Concrete KHGLB / K	s are based plate area is s on concret 460 psi and r shall specif e or masonry GLBT Los Ref. Ho.	on the bas s not used the are bas actual be by minimu support s ad Table Ran W	aring v L) Bear ed on sam w m edg struck	ring load allowabli idth time e and sp re is ass resions (	s shall e woo s bea acing armed	I be red d beari m beari require adequa	duced whi ing stress ing length ements in ale to sup Belt Schedule	perpendicular masonry or co port loads list  Alter  Masonry  @ 375 pst	wood besto the increte stad.  wable Be On Ce	aring on the	nds (Lbs.)		160%	Min. 3-1/8 Beam Width (W)	Code		3-1/2	Shruchur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	-
2) The load boaring 3) The load grain of 4) Designer 5) Concrete KHGLB / K MITTek USP Stock No. KHGLBA	s are based plate area is s on concret 460 psi and shall specil e or masonry GLBT Los	on the be not used to are bas actual be ty minimu support :	aring (1.) Bear (2.) Bear (2.) Bear (2.) With the same (2.) Bear (	ring load allowabli idth time e and sp re is ass msions ( D	s shall e woo s bea acing armed	t be red d bearing bearing bearing adequal T (3/8	duced whi ing stress ing length ements in ale to sup Bett Schodule Oty Dia 2 3/4	masonry or co	wood besto the morete stad.  wable Be On Ca 5-1/8 11/90	aring on the ructure. aring Lea nerete wi 6-3/4	ne plate. nds (Lbs.) (th Beam	Width <sup>2</sup>		Min. 3-1/8 Beam	Code		3-1/2	Shruchur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	-
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2) The load party of the load grain of 4) Designer 5) Concrete KHGLB / K MITIEK USP Stock No. DOCISA NOCISE NOCISE NOCISE NOCISE	s are based plate area is s on concret 460 psi and shall specific or masonry GLBT Los Ref. No. HGLBA HGLBB HGLBC	on the bear not used to are base a rectus to the base of the base	aring (1.) Beared on sam with medicing structures (1.) Beared on the sam with	ring load allowablidth time e and sp re is ass resions ( D 5 6 7 8 5-1/4	s shall be woo s bea aacing aumed 10 10 10 10	T ( 3/8 3/8 3/8 3/8	duced white the stress ing length stress ing length stress ing length stress in ale to supple to	Missony @ 375 psi 18750 22500 30000 24750 brit milet by 24750 24750 brit milet by 2475	wood bes to the micrele st ed. wable Be 0m Cu 5-1/8 11790 14145 16505 18860 12965	aring on the ructure.  aring Lea neerele will 15525 18630 21735 24840 17080	8-3/4 20125 28175 32200 22140	10-3/4   27200	160% 98/0 98/0 98/0 98/0 98/0	Min. 3-1/8 Beam Width (W) 3905 3905 3905 3905 3905	Code		3-1/2	Shruchur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	
2) The load parties of the load grain of 4) Designer 5) Concrete KHGLB / K MITTER USP Stack No. NGLBB NGLBC NGLBB NGLBC NGLBB NGLBG NGLBG NGLBG NGLBG	s are based plate area is s on concret 460 psi and shall specific or masonry GLBT Los Ref. No. HGLBA HGLBB HGLBC	on the bear not used to are base a rectus bear of used to a rectus bear of the base of the	oring (1) Bear ed on sam with medical structure (1) Bear with	ning load allowabli idth time e and sp re is ass resions (	s shall be wood s bea acing aumed 10 10 10 10 12 12	T ( and a second	Bett Schedule  2 344 2 344 2 344 2 344 2 344	Allow Masony  @ 375 ps  18750 2550 26750 20750 20750 20750 20750 20750 20750 20750	wood bes to the morete st ed. wable Be On Co 5-1/8 11790 14145 16505 18860 12965 15325	ering on the tructure. 6-3/4 155/25 18630 217/35 24840 17080 20185	eds (Lhs.) th Beam 8-344 20125 24150 28175 32200 22140 26165	10-3/4 	9870 9870 9870 9870 9870 9870	Min. 3-1/8 Beam Width (W) 3905 3905 3905 3905 3905 3905	Code		3-1/2	Shruchur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	
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2) The load boaring a) The load spain of 4) Decigner S) Concrete KHGLB / K HGLB / K	s are based plate area is s on concret 460 psi and shall specific or masonry GLBT Los Ref. No. HGLBA HGLBB HGLBC	en the best not used to are base and actual be by minimum support start Table  Ram W 3-1/4 3-1/4 3-1/4 3-1/4 3-1/4 3-1/4 3-1/4 3-1/4 3-1/4 3-1/4 3-1/4	oring (1.) Bear of on the control of	ming load allowable idth time is assumed by a second of the interest of the in	s shall be wood s bear acing aumed 100 100 100 112 112 116 116	T ( 3/8 3/8 3/8 3/8 3/8 3/8 3/8 3/8 3/8 3/8	Belt Schodule  Schodule  2 3/4 2 3/4 2 3/4 2 3/4 2 3/4 2 3/4 2 3/4 2 3/4 2 3/4 2 3/4 2 3/4 2 3/4	### Allow  Masonry @ 375 psi  13750  22500  24750  22501  32145	wood beste to the morete sted.  S-1/8  5-1/8  11790  14145  18860  12965  15325  15325	saring Lea morete wi 6-3/4 155/25 18630 217/36 24840 20185 17080 20185	8-3/4 20125 24150 28175 32200 22140 26165 22140	10-3/4 	9870 9870 9870 9870 9870 9870 9870 9870	Min. 3-1/8 Beam Width (W) 3905 3905 3905 3905 3905 3905 3905	Code		3-1/2	Shruchur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	
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2) The load boaring (a) the load grain of 4) Designer (b) Cornection (c) Cornecti	s are based plate are is to concrete 460 psi and 460 psi and 460 psi and 540 p	on the box on the total control to so the total control to so the total control to the total	aring (1) Beared on medical control of the second of the s	iniq load allowable of the control o	L 10 10 10 10 10 10 10 10 10 10 10 10 10	T ( ) and a second of the seco	nuced who registress and registress	### Allow  Masonry @ 375 psi  13750  22500  24750  22501  32145	wood bee to the morete st d.  5-1/8 11/790 14/14 16/80 15/80 15/80 15/80 15/80 15/80 15/80 15/80 15/80 15/80 15/80 15/80 15/80 16/80	saring Lea screte wi 6-3/4 15525 18630 20185 17080 20185 17080 17080 17080 17080 17080 17080 17080	8-344 20125 24150 22140 25165 22140 26165 22140 26165 27140 26165	10-3/4	9870 9870 9870 9870 9870 9870 9870 9870	Min. 3-1/8 Beam Width (W) 3905 3905 3905 3905 3905 3905 3905	Code		3-1/2	Shruchur	3° Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å Å	

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44. The MiTek 2020 Catalog includes, near the beginning of the document, a "MiTek Products Alphabetical Index." This index, which appears on pages 5 through 7 of the 2020 Catalog, lists the MiTek Part Names alphabetically along with a brief description of the product and the page of the catalog that the product appears on. Immediately following the MiTek Products Alphabetical Index is a "Reference Number Index," as shown below. This index, which appears on pages 8 through 9 of the 2020 Catalog, lists the Reference Numbers (i.e., Simpson Part Names) alphabetically along with a very brief description of the product and the page of the catalog on which a MiTek product appears. The Reference Number Index is thus a close copy of the "Alphabetical Index" in Simpson's copyright-protected Wood Construction Connectors Catalog. In the upper left-hand corner of the first page of the Reference Number Index is MiTek's previously mentioned "About the Reference Numbers" statement. The Reference Number Index does not list the MiTek product names and nowhere refers to Simpson.

Reference Number Index				Reference Number Index		
About the Reference Numbers	FPBM44 E-Z Mender™	HUSCTF Concealed Hanger		MUS Hanger	TBE Truss Enhancer	
Reference numbers shown throughout the charts	FPBS44 E-Z Spike™	HUSTF Hanger		Nails	TBP Truss Seat	
In this catalog are part numbers which may be	FRFP Foundation Plate	HUTF Hanger		NCA Nailless Bridging315	TC Truss Connector	
more familiar to customers in various regions of the United States. These are included for the	FSC Strap	HWP Hanger		NS Nail Stopper	THA Hanger	
of the United States. These are included for the convenience of our new customers who have	FWANZ Foundation Wall Angle	HWPH Hanger		NUT	THAC Hanger	
recently switched from a competitor's product	GBC Gable Bracing	ITS Hanger		OHA Hanger	THAI Hanger	
line to MITek.	GH Hanger	IUS Hanger 211-213		OS/OHS Hangers 125	THASR/L Truss Hanger	
The reference numbers in this catalog are for	GLB Beam Seat	JB Hanger		PA Holdown .73	THD Titen HD® Anchor	
general application comparison only and should	GLS Hanger	JBA Hanger		PA Purlin Anchor	THGB/THGBH Hanger284-285	
not be used as a substitution tool. The user is	H Hurricane Ties	L Angle		PAI Purlin Anchor	THGQ/THGQH Hanger286	
responsible to compare specific load values,	HB Hanger	L Strap Tie		PB/PBS Post Base85	TH.JA Hanger	
fastener schedules, material specifications, and other factors to determine suitability of use for	HCA Hinge Connector 240-241 HCP Hip Corner Plate 263	LB Hanger		PC Post Cap94-95	THJM Hanger	
any particular product.	HCSTR Strap	LCC Lally Column Cap		PF Hanger	THJU Hanger	
prosec	HD Holdown	LCE Post Cap	- 1	PFB/PFDB Hanger 179 PFDS Hanger 181	TP Tie Plate	
A Angle	HDB Holdown	LEG Hanger		PGT Pipe GripTie	TS Twist Strap	
A34/A36 Anchor	HDQ Holdown67	LGT Girder Tiedown		PGTIC Pipe GripTie	TSBR Truss Spacer 288	
ABA/ABU Post Base	HDU Holdown	LGU Girder Hanger		PS Strap	TSF Truss Spacer	
ABL Anchor Bolt Locator	HETA Truss Anchor246-247	LGUM Girder Hanger187		PSCA Sheathing Clip	TSP Stud Plate Tie	
AC Post Cap	HETAL Truss Anchor	LPCZ Post Cap		PSCL Sheathing Clip	TSS Truss Seat	
ATR All Thread Hod	HFN Hanger	LS Angle		PSPNZ Protective Plate	TWB Wall Bracing313	
BC Base 92, 348	HGAM Gusset Angle	LSG Light Star Stringer Connector 181, 300 LSSJ Hanger		RBC Roof Boundary Clip	U Hanger	
BC Cap	HGLB Beam Seat .62	LSSR Hanger 174, 231		RFB Retrofit Bolt	VB Knee Brace	
BP Bearing Plate	HGLS Hanger 239	LSTA Strap Tie		RP Retro Plate	VPA Connector .230	
BPS Bearing Plate	HGLT Hanger	LSTI Strap Tie		RPBZ Retrofit Post Base	VTCR Valley Truss Clip	
BT Brick Tie	HGLTV Hanger	LSTHD Holdown75		RPS Strap Tie	W Wedge54	
CB Column Base	HGT Girder Tiedown	LTA Truss Anchor244		RR Connector	WA Wedge-All® Anchor	
CBSQ Column Base	HGU Girder Hanger	LTB Bridging314		RSP Stud Plate Tie	WASHER53	
CCQ Column Cap	HGUM Girder Hanger	LTHJA Hanger		RST Rafter Tie	WB/WBC Wall Bracing	
CHC Component Hoist Clip	HH Hanger	LTS Twist Strap		S/B Hanger	WP Hanger 169-171, 221-226	
CMST Coiled Strap	HHDQ Holdown	LTT/LTTI Tension Tie		S/DTT Holdown	WT Wedge Form Tie	
CMSTC Coiled Strap	HHETA Truss Anchor247	LU Hanger		S/H Hurricane Tie	Z Clip	
CNW Coupler Nut	HHUS Hanger	LUC Hanger		S/HD Holdown		
CPS Composite Standoff	HIT Hanger	LUS Hanger	200	S/HDU Holdown		
DBTZ Deck Tie	HL Heavy Angle	MAB Mudsill Anchor	2 2	S/HTT Holdown		
DETAL Truss Anchor	HM Hurricane Tie	MBHA Masonry Hanger	0 5	S/LBV Hanger		
DGHF Drywall Hanger	HPA Purin Anchor	MBHU Masonry Beam Hanger	202	S/LIT Holdown		
DJT Deck Tie	HRS Strap Tie	MEG Hanger	3 4	SA Strap Connector		
DPPC Decorative Post Cover	HS Hurricane Tie	META Truss Anchor	a e	SBV Shelf Bracket		
DPT Deck Tie	HST Strap124	MGT Girder Tiedown	10 m	SD Connector Screw		
DS Drywall Stop	HSULC/HSURC Hanger	MGU Girder Hanger	8	SDS Heavy-Duty Connector Screw		
DSC Drag Strut Connector	HSUR/HSUL Hanger	MIT Hanger 221-226 MIU Hanger 211-213	05,	SDW Multi-Ply Wood Screw		
DTC Roof Truss Clip	HTC Heavy Truss Clip	ML Angles	5 X	SP Stud Plate Tie		
DTT Deck Tension Tie 66, 182-183, 298-299	HTPZ Strap Tie	MMH Rafter Tie	2	SPECANGLE		
ECC/ECCU Column Cap	HTS Twist Strap	MMLU Hanger	E 000	SPH Stud Plate Tie		
ECCQ Column Cap101	HTSM Twist Strap	MMLUI Hanger	2 0	SS Stud Shoe		
EG Hanger	HTT Tension Tie	MP Mending Plate317	8 5	SSP Single Stud Plate		
EGQ Hanger	HTU Hanger	MST Strap Tie	6	SSTB Anchor Bolt50		
EPB Post Base         87           EPC Post Cap         95	HU Hanger	MSTA Strap Tie	0	ST Strap Tie		
F Hanger	HUC Hanger	MSTAM Strap Tie		STC Roof Truss Clip		
FB Fence Bracket	HUCQ Hanger 144-152, 156-164, 214-216	MSTCB Strap Tie		STUT Hoof Iruss Cap		
FBR Fence Bracket	UIIS Unnour	MSTCM Strap Tie		SUR/SUL Hanger 175-176		
FGTR Girder Tiedown	142-145, 149-150, 154-157, 161-162, 214, 268	MSTI Strap Tie		T Strap Tie		
FJA Anchor	HUSC Concealed Hanger 144-145, 149-150, 156-157, 161-162	MTS Twist Strap		TA Staircase Angle		
FP8844 E-∠ Base***		MTSM Twist Strap	- 1	TB Tension Bridging		
		Continued on next page	- 1			
R		MiTek® Product Catalog	ı	MiTek* Product Catalog		

45. MiTek improperly uses Simpson's proprietary product names in published documents other than its product catalog. For example, MiTek publishes a stand-alone document

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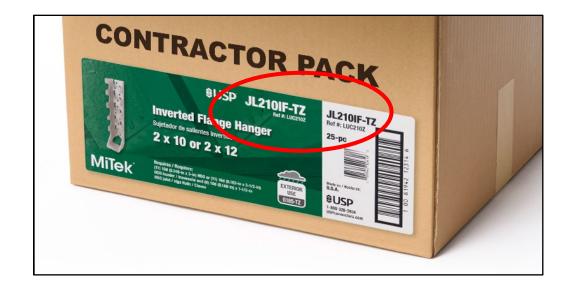
referred to as the "MiTek USP Cross Reference Conversion Guide" or "Reference Number Conversion" chart (referred to herein as the "Conversion Guide"). A true and correct copy of Conversion Guide, last published in 2018, is shown below and attached and incorporated by reference as Exhibit C. The Conversion Guide contains two columns, one with Reference Numbers (i.e., Simpson Model Numbers) and the other with USP Stock Numbers. Once again, the Conversion Guide contains no reference or attribution to Simpson, no explanation that the Reference Numbers are Simpson product names, and no disclaimer of Simpson's authorization, sponsorship, or approval of MiTek's use of the Simpson product names. Instead, the Conversion Guide contains only the following statement: "The reference numbers in this chart are for general application comparison only and should not be used as a substitution tool. User is responsible to compare load values, fastener schedules, material specs and other factors to determine use."

	REF. NO./No. oc ocr. 1005H485:8680G	MITak - USP NHOC.5	COMMENSOR S	KCC044	REF. NO./NO. DE REF. HHI ISA10	METOK – USP THOMAS
MiTek®	1005H+85:8680G	N10C-5 N10C-1	CC0445D52.5 CC0465D52.5	KCCO44	HHUS410 HL33	THD410 KM 33
MILIEK	1212HLH0G	LH12-HDG	000668082.5	KCCQ66	HL33HDG	KHL33-HDG
	1212HTHDG	TH12-HDG	CPS4	CPB44	HL35	KHL35
	1212L	L12	CPS5	CPB55	HL35HDG	KHL35-HDG
	1212T 128T	T1212 T12	CP56 CS14-R	CPB66 RS14-R	HL55HDG HRS12	KHL55-HDG HRS12
	1605HDG	N16C-5	CS16	no14-n	nnoiz	nnsiz
	160HD6	N16C-1	CS16-R	REF. NO./No.	DE DEE	MiTek - U
REFERENCE	66L	L6	CS18-R	NET. NO./NO.	DE NET.	MITTER - O
NUMBER	661	T6	CS20	HHUS410		THD410
	88L	L8	CS22-R	NU0410		100410
CONVERSION	A21 A21Z	JA1 JA1-TZ	DJT14Z DPPC4BK	HL33		KHL33
	A23	A3	DPPCERK	TILOO		KIILOO
COMMEDICIÓN	A232	A3-TZ	DPT5Z	HL33HDG		KHL33-HDG
CONVERSIÓN	A24	TOLS	DP17Z	HESSHIDU		KIIL55-IIDG
DE NÚMERO	A311	TDL10 RL3	DIC	HL35		KHL35
	A33 A34	MP34	DTT1Z-KT	TILOU		KIILOO
DE REFERENCIA	AMSS	MP34-SS	DT12Z	HL35HDG		KHL35-HDG
	A34Z	MP34-TZ	EB-TY	TILOUTIDU		KIIE55-IIDG
	A35	MPA1	ECC66	HL55HDG		KHL55-HDG
	A35SS	MPA1-SS MPA1.T7	FCCO44SDS FCCO46SDS			MILOU-IIDU
	A357	MPA1-TZ RL4	ECCO46SDS ECCO66SDS	HRS12		HRS12
	A66	866	EPB44			IIIOIZ
	A38	888	EPB44A	HRS416Z		HRS416-TZ
	ABW44Z	PA44-TZ or PAU44-TZ	EPB44HDG	TITIOTTOL		11110-110-12
	ABAMZ	PAME-TZ	EP866	HRS6		HRS6
	ABA46Z ABA66R	PA4GE-TZ PAGGER-TZ	EPC44-16 EPC46-16	TITLOO		mioo
	ARAGE/	PAGGE-TZ	EPC64-16	HRS8		HRS8
	ABU44	PAU44	EPC66-16	TITIOO	1101.01111.00	111100
	ABU44Z	PAU44-TZ	FB24Z	FB24-TZ	ITS2.37/11.88	TFL23118
	ABU46Z	PAU46-TZ	FB26	FB26-TZ	ITS2.56/11.88	TFL25118
	ABU66	PAU66	FPBB44	BD	IUS1.81/11.88	THF17112
	ABU66Z ACA	PAUGE-TZ PBS44	FPBM44E FPBS44	SMP SFP30	IUS2.37/11.88 IUS2.56/11.88	THF23118 THF25118
	ACAZ	PBS44-TZ	GA1	A3	IIS2.56/16	THF25160
	ACE	PBS66	6A2	A3	JB210	HL210
	AC6Z	PBS66-TZ	H1	RT15	JB28	HL28
The reference numbers in	ACE4	PBES44	H10-2	RT16-2	L30	A3
this chart are for general	ACE6 BC4	PBES66	H10-2Z H10A	RT16-2TZ RT16A	150	ACS ACS_T7
application comparison	BC4 BC40	D44-TZ	H10A H10AZ	RT16A RT16A-TZ	L70	ACS-TZ AC7
only and should not be	BC407	D44-TZ	HIZ	RT15-TZ	1707	AC7-TZ
used as a substitution	BC46	C46	H2.5A	RT7A	190	ACS
tool. User is responsible	BC4Z	C44-TZ	H2.5ASS	RT7-SS or RT7A-SS	L90Z	AC9-TZ
to compare load values,	BC6 BC607	C66 D66_TZ	H2.5AZ	RT7A-TZ	LBP1/2	LBP12-TZ LRP5R-TZ
fasiener schedules,	BCS2-2/4	D66-TZ BCS22-4	H2A H3	RT10 RT3A	LBP5/8Z LBP51/2Z	LBPS8-TZ LBPS12-TZ
material specs and other	BCS2-2M7	BCS22-4T7	H3/	RT3A-TZ	LEPSIA	LBPSSS.TZ
actors to determine use.	BP1/2-3HDG	HBPS12-HDG	H4	RT4	LBPS5/8/	LBPS58-TZ
and the designation disc.	BPS/8	BP583	H5	RT5	LCB44	CBE44
los números de referencia en	BPS/8-3HDG	BP583-HD6	H6	LFTA6	LCE4	PBES44
esta tabla son solo para una	BPS/BHDG BPS1/2-3	BP083-HDG HBPS12	HBZ	RTBA RTBA-TZ	LGT2 LPC4Z	LUGT2 PB44-6TZ
comparación de aplicación	BPS1/2-3 BPSS/B.3	HBPS12 HRPS88	HBZ HCP2	HIBA-IZ HHCP2	LPCAZ LPCAZ	P866-617
general y no deben usarse	BPS5/8-3HDG	HBPS58-HD6	HD12	TD12	LS30	MP3
como una herramienta de sustitución. El usuario es	BT-R	WT22-BMC	HD3B	TDX2-TZ	LS50	MPS
sustitución. El usuario es responsable de comparar	CB44	KCB44	HD5B	TDX6	LSSQZ	MPS-TZ
esponsable de comparar los valores de carga, las	CB44HDG	KCB44-HDG	но/в	TOX10	LS/0	MP7 MP7-TZ
programaciones de sujetado-	CB46 CB66	KCB46 KCB66	HDU2-SDS2.5 HDU4-SDS2.5	PHD2A PHD4A	LS/0Z LS90	MP7-TZ MP9
res, las especificaciones de	CB66HD6	KCB66-HDG	HDU4-SDS2.5 HDU5-SDS2.5	PHD4A PHD5A	LS90 LSCZ	MP9 CSH-TZ
material y otros factores para	CBSO44-SDS2	CBSO44-TZ	HDU8-SDS2.5	PHDS	LSSUP10	LSSH210
determinar su uso.	CBSQ44-SDS2HDG	CBSQ44-HDG	HETA20	HTA20	LSSU28	LSSH15-TZ
	CBS046-SDS2	CBSQ46-TZ	HGA10KT	HGA10KT	LSSU25	LSSH179
	CBSQ46-SDS2HDG	C85Q46-HDG	HEAM10KTA	HGAM10KT	LSTA12	LSTA12
	CBS066-SDS2 CBS066-SDS2MD6	CBSQ66-TZ CBSQ66-HD6	HH4 HH6	HHAA HAAG	LSTA15	LSTA15
	CASCIDE-SUSZHDG	CESCION-HIDS	rillio	1996	LSIAIS	LSIATE
This chart is not totally inclu	sive of all products	available from MiTek®.	If you don't find th	e product you need her	e call or email.	
Esta tabla no incluye todos los produ	clos disponibles de MiTek	. Si no encuentra el producto q	que necesifa aquí llame	a U o envie un mensaje de corr	eo electrónico.	
Phone: 1-800-328-5934	Fax: 1-952-	898-8605   Email	: uspcustom	erservice@mii.cor	n	MiTek-US.com
		-				nts Reserved. #2117-4/2018
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## 5. MiTek's Use Of Simpson Product Names On Product Packaging And Point-of-Sale Marketing Materials

46. MiTek has likewise improperly used, and continues to improperly use, Simpson's proprietary product names – both as the basis for MiTek's product names and as Reference Numbers and Reference Series – on MiTek product packaging, product labels, carton labels, shelf tags, and other point-of-sale marketing materials.

47. MiTek uses Simpson product names as MiTek product names and Reference Numbers on product labels and carton labels, as shown in the example below (annotated in red). Indeed, MiTek's "Product Identification and Labeling" publication, available on its website at https://www.mitek-us.com/uploadedFiles/\_RedesignSite/Content/documents/products/product-id-labeling.pdf, makes clear that labels for every product or carton of products include the Stock Number and Reference Number, as also shown below.



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48. MiTek also uses Simpson product names as MiTek product names and Reference Numbers on shelf tags and related point-of-sale marketing material, as shown in the examples below (annotated in red) from MiTek's Dealer Merchandising Guide, available on MiTek's website at https://www.mitek-us.com/uploadedFiles/\_RedesignSite/Content/documents/products/mitek-dealer-merchandising-guide.pdf. A true and correct copy of the Dealer Merchandising Guide is attached and incorporated by reference as Exhibit D.





- F. MiTek's Use Of Simpson Product Names Is False And Misleading, And Deceives Or Is Likely To Deceive Consumers
- 49. MiTek's use of Simpson proprietary product names as the basis for MiTek product names and as Reference Numbers constitutes explicitly and implicitly false statements to consumers about the nature, characteristics, and/or qualities of its products on MiTek's website, mobile software applications, product catalogs, carton labels, product labels, shelf tags, and other

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marketing and point-of-sale materials. MiTek makes these false and misleading statements incorporating Simpson product names with the intent to induce consumers to purchase MiTek products, and these statements have a tendency to deceive, are likely to deceive, and have actually deceived consumers about MiTek and Simpson products, as described below.

- 50. MiTek's use of Part Names and Stock Numbers that are identical to or substantially similar to pre-existing Simpson Part Names and Model Numbers in the manner described above is false and misleading, and deceives consumers in a number of ways. First, use of a Simpson product name as a MiTek product name is a literally false statement that the MiTek product is, in fact, a Simpson product. In other words, MiTek's identical and substantially similar product names pass off MiTek products as Simpson products. For example, a MiTek shelf tag using "BP" to identify a product falsely identifies the product as Simpson's BP product, when that is not true. Second, use of a MiTek product name that is identical or substantially similar to a Simpson product name is also false in that it necessarily implies that Simpson and MiTek are affiliated in some way or that Simpson has authorized, endorsed, or approved of MiTek's use of the identical or substantially similar product name. Third, use of a MiTek product name that is identical or substantially similar to a Simpson product name also necessarily and falsely implies that the MiTek product is equivalent to the Simpson product. Even if some consumers become aware that MiTek's products are not Simpson products, and are not affiliated with or endorsed by Simpson, the use of identical or substantially similar product names necessarily and falsely implies that the two products are equivalent, when in fact they are not.
- 51. Even when the MiTek product name is not identical or substantially similar to a Simpson product name, MiTek's use of Simpson product names as Reference Numbers and Reference Series in the manner described above is likewise false and misleading, and deceives consumers in a number of ways. First, use of a Simpson product name as a Reference Number is a literally false statement that the MiTek product identified by the Reference Number is the "referenced" Simpson product. As with MiTek's use of Simpson product names as MiTek product names, using Simpson product names as Reference Numbers passes off MiTek products as Simpson products. For example, a MiTek shelf tag with the TAZ Reference Number falsely

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identifies the product as Simpson's TAZ product, when that is not true. Second, use of a Simpson product name as a Reference Number is also false in that it necessarily implies that Simpson and MiTek are affiliated in some way or that Simpson has authorized, endorsed, or approved of MiTek's use of the proprietary Simpson product name as a Reference Number. Third, use of a Simpson product name as a Reference Number also necessarily and falsely implies that the MiTek product is equivalent to the Simpson product. Even if some consumers become aware that MiTek's products are not Simpson products, and are not affiliated with or endorsed by Simpson, the use of the proprietary Simpson product name as a Reference Number necessarily and falsely implies that the two products are equivalent, when in fact they are not.

- 52 On information and belief, MiTek's actions, as described above, have been undertaken with the intent to deceive consumers. Indeed, MiTek intends for consumers to equate the MiTek product with the similarly named or referenced Simpson product. This intent is clear from MiTek's use of Simpson product names as MiTek product names and Reference Numbers generally, as well as from MiTek's particular use, for example, of (a) the "Advanced Product Search" feature on the MiTek website that equates MiTek products with Simpson's products based on Simpson product names, (b) the search and "Product Conversion" features on the MiTek App that equate MiTek products with Simpson's products based on Simpson product names, (c) the Reference Number Index in the MiTek catalogs that equates MiTek products with Simpson's products based on Simpson product names, and (d) the Conversion Guide that directly equates a Mitek product to a Simpson product.
- 53. MiTek's attempt to equate its products with Simpson products through the use of Simpson product names is particularly concerning because the Simpson and MiTek products are not equivalent. The Simpson products that correspond to the Reference Numbers are, in fact, materially different than the MiTek products. As discussed above, many of Simpson's products are patented, precluding MiTek from copying the innovative features of Simpson's products that are covered by the patents, and, even in cases where Simpson does not have patent protection for a product, the MiTek knock-off products are inferior in other ways. In particular, the Simpson products often achieve higher load values than the purportedly "equivalent" MiTek products. A

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consumer who sees the Simpson product name on a MiTek label or on the MiTek website is thus likely to conclude incorrectly that the MiTek product can be used in place of the Simpson product, when in fact it cannot.

54. MiTek also recommends, directs, and/or instructs distributors, dealers, and retailers to market and advertise MiTek products with MiTek marketing and advertising materials that, through the use of Simpson product names described above, make false statements to consumers about MiTek products and their relationship with Simpson products, as described above. For example, MiTek's Dealer Merchandising Guide, discussed above and attached as Exhibit D, directs dealers and retail stores to display MiTek products for sale in a manner that emphasizes the infringing and improper MiTek product names and Reference Numbers, including use of shelf tags, signage, and carton labels that employ the product names and Reference Numbers. The Dealer Merchandising Guide further includes the Conversion Guide, which, as discussed above, explicitly "converts" Simpson product names into the purported MiTek equivalent, as an aisle sign. Moreover, MiTek's connector and fastener products (with deceptive and infringing product packaging, carton labels, product labels, and/or shelf tags) are displayed for sale in some retail environments in close proximity, if not adjacent to, Simpson's connector and fastener products. On information and belief, MiTek's advertising and marketing strategy, as communicated and directed to MiTek's dealers and retailers, is intended to deceive consumers.

#### VII. **CAUSES OF ACTION**

## FIRST CAUSE OF ACTION False Advertising Under Federal Lanham Act – 15 U.S.C. § 1125(a)(1)(B)

- 55. Simpson incorporates herein the allegations of paragraphs 1 through 54.
- 56. MiTek's acts described herein constitute false advertising and unfair competition in violation of 15 U.S.C. § 1125(a)(1)(B).
- 57. MiTek has used or made, and will continue to use or make, in commercial advertising or promotion throughout the United States, including in California, one or more words, terms, names, symbols, or devices, or any combination thereof, or any false and/or

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misleading designation of origin, false and/or misleading description of fact, or false and/or misleading representation of fact that misrepresent the nature, characteristics, and/or qualities of MiTek's and Simpson's products, including the acts alleged above.

- 58. MiTek's acts have deceived and/or have a tendency to deceive a substantial segment of the relevant public to whom the statements have been made.
- 59. MiTek's acts are material in that they have influenced and/or are likely to influence the purchasing decisions of relevant members of the public, including by leading them to believe that MiTek's products are Simpson's products, that MiTek's products are equivalent to Simpson's products, and/or that Simpson is affiliated with, authorizes, and/or endorses MiTek and MiTek's products.
- 60. By reason of the foregoing, MiTek has intentionally and willfully violated 15 U.S.C. § 1125(a)(1)(B).
- 61. As an actual and proximate result of MiTek's willful and intentional acts, Simpson has suffered harm by direct diversion of sales from Simpson to MiTek, or by lessening of the goodwill which Simpson's products enjoy with the buying public.
- 62. MiTek's wrongful acts, unless and until enjoined and restrained by order of this Court, will cause irreparable injury to Simpson. Simpson has no adequate remedy at law in that monetary damages would be difficult to ascertain, and would be inadequate to compensate Simpson for the harm caused by MiTek if MiTek is not enjoined.

## SECOND CAUSE OF ACTION False Advertising Under California Law – Cal. Bus. & Prof. Code § 17500

- 63. Simpson incorporates herein the allegations of paragraphs 1-62.
- 64. MiTek's acts as described herein constitute untrue and misleading advertising in violation of section 17500 et seq. of the California Business & Professions Code.
- 65. MiTek publicly made or disseminated untrue and misleading statements, and/or caused untrue and misleading statements to be made or disseminated, to the public in California, with the intent to induce any person who read it to purchase from MiTek the products described in the advertisements.

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	66.	MiTek's	statements	in	the	advertisements	were	known,	or	should	have	been
known	by the	exercise o	f reasonable	e ca	re, to	be untrue and i	nislea	ding, and	lw€	ere mad	e to de	ceive
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- 67. MiTek's statements in the advertisements are false and misleading in that they falsely state and/or necessarily imply that MiTek's products are Simpson's products, that MiTek's products are equivalent to Simpson's products, and/or that Simpson is affiliated with, authorizes, and/or endorses MiTek and MiTek's products, when in fact that is not true.
- 68. As a direct and proximate result of the foregoing conduct, Simpson has suffered harm, including harm to reputation and lost goodwill.
- 69. MiTek's wrongful acts, unless and until enjoined and restrained by order of this Court, will cause irreparable injury to Simpson. Simpson has no adequate remedy at law in that monetary damages would be difficult to ascertain, and would be inadequate to compensate Simpson for the harm caused by MiTek if MiTek is not enjoined.

## THIRD CAUSE OF ACTION Passing Off Under The Federal Lanham Act – 15 U.S.C. § 1125(a)(1)(A)

- 70. Simpson incorporates herein the allegations of paragraphs 1-69.
- 71. MiTek's acts described herein constitute passing off and unfair competition in violation of 15 U.S.C. § 1125(a)(1)(A).
- 72. MiTek has used or made, and will continue to use or make, in commerce throughout the United States, including in California, one or more words, terms, names, symbols, or devices, or any combination thereof, or any false and/or misleading designation of origin, false and/or misleading description of fact, or false and/or misleading representation of fact that is likely to cause consumer confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of MiTek with Simpson, or as to the origin, sponsorship, or approval of MiTek's products by Simpson.
- 73. By reason of the foregoing, MiTek has intentionally and willfully violated 15 U.S.C. § 1125(a)(1)(A).
  - 74. As an actual and proximate result of MiTek's willful and intentional acts,

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Simpson has suffered harm.

75. MiTek's wrongful acts, unless and until enjoined and restrained by order of this Court, will cause irreparable injury to Simpson. Simpson has no adequate remedy at law in that monetary damages would be difficult to ascertain, and would be inadequate to compensate Simpson for the harm caused by MiTek if MiTek is not enjoined.

## FOURTH CAUSE OF ACTION Unfair Competition Under California Law – Cal. Bus. & Prof. Code § 17200

- 76. Simpson incorporates herein the allegations of paragraphs 1-75.
- 77. MiTek's acts described herein constitute unfair competition in violation of section 17200 et seq. of the California Business and Professions Code.
- 78. As a direct and proximate result of the foregoing conduct, Simpson has suffered damages, including harm to reputation and lost goodwill.
- 79. MiTek's wrongful acts, unless and until enjoined and restrained by order of this Court, will cause irreparable injury to Simpson. Simpson has no adequate remedy at law in that monetary damages would be difficult to ascertain, and would be inadequate to compensate Simpson for the harm caused by MiTek if MiTek is not enjoined.

## **FIFTH CAUSE OF ACTION Copyright Infringement**

- 80. Simpson incorporates herein the allegations of paragraphs 1-79.
- 81. Simpson owns a valid registered copyright on its Wood Construction Connectors Catalogs with the registration numbers identified above. Simpson has the exclusive right to copy, distribute, and transmit those copyrighted works in the United States. All of the registered Wood Construction Connectors Catalogs going back to at least 2000 contain Simpson Part Names and Model Numbers in the manner described above, including but not limited to use of Simpson Part Names and Model Numbers on pages of the catalog providing information regarding Simpson product lines. In particular, all of the registered Wood Construction Connectors Catalogs going back to at least 2000 contain a version of the Alphabetical Product Index described above.

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82. MiTek has copied Simpson's copyrighted works and/or created unauthorized
substantially similar derivative works, and has distributed those works to third parties, therefore
infringing Simpson's copyrights, by using Simpson Part Names and Model Numbers in its own
catalogs and other marketing and advertising materials as described above. Such infringing
works include, but are not limited to (a) MiTek's 2020 Catalog, (b) MiTek's 2019 Catalog, (c)
MiTek's 2018 Catalog, (d) MiTek's Conversion Guide, last published in 2018, (d) MiTek's
current version of its App, last updated in iOS and Android versions in June 2020, and (e)
MiTek's current version of its website at www.mitek-us.com, which, on information and belief,
was updated in 2020. In particular, MiTek has copied and/or created unauthorized substantially
similar derivative works of Simpson's Alphabetical Product Index by publishing and distributing
its own catalogs with the Reference Number Index described above.

- 83. MiTek's conduct was willful and violates the exclusive rights belonging to Simpson as the owner of the copyrights and its original works, including, without limitation, Simpson's rights under 17 U.S.C. §106.
  - 84. As a result of the above-described conduct of MiTek, Simpson has been harmed.
- 85. Simpson is further entitled to an order, upon the entry of a final judgment, directing the destruction or the return to Simpson of all infringing copies or derivations of Simpson's copyrighted works.

#### PRAYER FOR RELIEF

Simpson requests the Court to enter a judgment in its favor against Defendant MiTek as follows:

- 86. For a permanent injunction against MiTek and the officers, agents, employees, or attorneys of MiTek, and all others in active concert or participation with them, restraining them from the following actions:
- (a) copying Simpson product names or using substantially similar product names as MiTek product names when MiTek introduces new products;
- (b) including Simpson product names as a "Reference Number" or "Reference Series" in catalogs, publications, webpages, or other online or hardcopy documents, including

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but not limited to in tables or charts showing the performance characteristics of MiTek's products;

- (c) including Simpson's product names as a "Reference Number" or "Reference Series" on MiTek product packaging, carton labels, product labels, shelf tags, and other point-of-sale materials or displays;
- (d) including functionality in its mobile applications, online website, or other software that enables users to enter a Simpson product name to search for MiTek products; and
- (e) publishing a "MiTek USP Cross Reference Conversion Guide" or "Reference Number Conversion" chart with Simpson product names.
- 87. That MiTek be adjudged to have infringed Simpson's copyright within the meaning of 17 U.S.C. §106;
- 88. That MiTek be adjudged to have engaged in false advertising, passing off, and unfair competition under both Federal law and California law; and
- 89. That Simpson be granted such other and further relief as this Court may deem just and proper.

#### **DEMAND FOR JURY**

Simpson demands a trial by jury for all issues so triable.

Dated: October 6, 2020 SHARTSIS FRIESE LLP

By: /s/ Joseph V. Mauch

JOSEPH V. MAUCH

Attorneys for Plaintiff SIMPSON STRONG-TIE COMPANY INC.

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- 35 -